IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.W.P No. 11352 of 2000

Date of decision : December 22 , 2008

Kashmir Singh

..... Petitioner

through Ms.Vanita Sapra Kataria, Advocate

v.

The SGPC through its Secretary

..... Respondent

through Ms. Malkiat Mann, Advocate

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

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1. **Whether Reporters of Local Newspapers may be allowed to see the judgment ?**
2. **To be referred to the Reporters or not ?**
3. **Whether the judgment should be reported in the Digest ?**

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AJAY TEWARI, J (Oral)

By this writ petition, the petitioner challenges the order dated 7.11.1998 (Annexure P-5), whereby he was relieved from service.

Counsel for the petitioner contends that the petitioner had put in about four years of service and his services could not be terminated without holding an inquiry as per the rules.

Counsel for the respondent, however, submits that in this case the Inquiry Committee had inquired into the matter and had filed its report on 8.10.1998. A perusal of the same reveals that the impugned order is a completely cryptic order, wherein even the averments made by the petitioner have not been considered much less dealt with. In the circumstances, it cannot be said that the services of the petitioner have been

terminated by following the procedure laid down under the rules. She further states that the point in issue is covered by various decisions of this Court including CWP No.8413 of 2001, Angrej Singh vs SGPC, decided on 23.7.2008, wherein this Court held as follows :-

> "After hearing the learned counsel for the parties, I am of the view that the order Annexure P-2 deserves to be set aside since it has been passed without holding any enquiry. In this regard, I draw support from the judgment of this Court in **Ajaib Singh's case (supra)** wherein the Division Bench of this Court held as follows :-
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> > "Shri B.S.Guglani, learned counsel for the respondent has also argued that all the employees of the SGPC were required to strictly adhere to a pious life. They have to maintain high standards of life and should be persons of good character. Since the petitioner was found to be indulging in certain objectionable activities, his services could not be retained at a religious institution like Sri Darbar Sahib. This plea has no reliance to the controversy raised in the present petition. It is indeed true that persons of high morale and good character should be associated with the affairs of Shri Darbar Sahib, Amritsar, but an employee cannot be thrown out of the employment because certain allegations were made against him relating

to his conduct and character. Due process of law must be adopted and observed in accordance with the Rules. A bad employee can be thrown out of employment but only after following due process of law and observing the principles of natural justice."

In the circumstances, this writ petition is allowed and the order dated 7.11.1998 (Annexure P-5) is set aside. The petitioner shall be reinstated into service forthwith. The respondent would be at liberty to proceed further against the petitioner from the stage of suspension, in accordance with law. As regards the payment for the period when the petitioner was out of service, the question regarding the same shall be decided by the disciplinary authority on the conclusion of the inquiry. The petitioner would, however, be entitled to all other consequential benefits except for the period he remained out of service.

(AJAY TEWARI)
JUDGE

December 22, 2008.
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